

**ASSEMBLY BILL**

**No. 254**

**Introduced by Assembly Member Nakanishi  
(Coauthor: Assembly Member Salinas)**

February 8, 2005

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An act to amend Section 1797.196 of the Health and Safety Code, relating to emergency medical services.

LEGISLATIVE COUNSEL'S DIGEST

AB 254, as introduced, Nakanishi. Emergency medical services: automatic external defibrillators.

Existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, permits each county to establish an emergency medical services program under which the county is required to designate a local emergency medical services agency (EMS agency). The act authorizes the local EMS agency to implement a trauma care system if the system meets the minimum standards set forth in the regulations established by the Emergency Medical Services Authority and the authority has approved a plan.

Existing law authorizes the authority to establish minimum standards for the training and use of automatic external defibrillators and requires persons or entities that acquire the defibrillators to comply with maintenance, testing, and training requirements, which are scheduled to change on January 1, 2008. Existing law, until January 1, 2008, provides immunity from civil damages for those persons or entities, and sets forth tenant notice and other requirements for building owners in which an AED is placed.

This bill would make those tenant notice provisions applicable to commercial, residential, and industrial buildings, and would set forth

principal or superintendent staff notice and other requirements for an AED placed in a public or private K-12 school.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1797.196 of the Health and Safety  
2 Code, as amended by Section 181 of Chapter 62 of the Statutes  
3 of 2003, is amended to read:

4 1797.196. (a) For purposes of this section, “AED” or  
5 “defibrillator” means an automated or automatic external  
6 defibrillator.

7 (b) In order to ensure public safety, any person or entity that  
8 acquires an AED is not liable for any civil damages resulting  
9 from any acts or omissions in the rendering of the emergency  
10 care under subdivision (b) of Section 1714.21 of the Civil Code,  
11 if that person or entity does all of the following:

12 (1) Complies with all regulations governing the placement of  
13 an AED.

14 (2) Ensures all of the following:

15 (A) That the AED is maintained and regularly tested according  
16 to the operation and maintenance guidelines set forth by the  
17 manufacturer, the American Heart Association, and the American  
18 Red Cross, and according to any applicable rules and regulations  
19 set forth by the governmental authority under the federal Food  
20 and Drug Administration and any other applicable state and  
21 federal authority.

22 (B) That the AED is checked for readiness after each use and  
23 at least once every 30 days if the AED has not been used in the  
24 preceding 30 days. Records of these checks shall be maintained.

25 (C) That any person who renders emergency care or treatment  
26 on a person in cardiac arrest by using an AED activates the  
27 emergency medical services system as soon as possible, and  
28 reports any use of the AED to the licensed physician and to the  
29 local EMS agency.

30 (D) For every AED unit acquired up to five units, no less than  
31 one employee per AED unit shall complete a training course in  
32 cardiopulmonary resuscitation and AED use that complies with  
33 the regulations adopted by the Emergency Medical Service

Authority and the standards of the American Heart Association or the American Red Cross. After the first five AED units are acquired, for each additional five AED units acquired, one employee shall be trained beginning with the first AED unit acquired. Acquirers of AED units shall have trained employees who should be available to respond to an emergency that may involve the use of an AED unit during normal operating hours.

(E) That there is a written plan that describes the procedures to be followed in the event of an emergency that may involve the use of an AED, to ensure compliance with the requirements of this section. The written plan shall include, but not be limited to, immediate notification of 911 and trained office personnel at the start of AED procedures.

(3) ~~Building~~ *When an AED is placed in a commercial, residential, or industrial building, building owners ensure that tenants annually receive a brochure, approved as to content and style by the American Heart Association or American Red Cross, which describes the proper use of an AED, and also ensure that similar information is posted next to any installed AED.*

(4) ~~No~~ *When an AED is placed in a commercial, residential, or industrial building, no less than once a year, building owners will shall notify their tenants as to the location of AED units in the building.*

(5) *When an AED is placed in a public or private K-12 school, the principal or superintendent shall ensure that the school administrators and staff annually receive a brochure, approved as to contents and style by the American Heart Association or the American Red Cross, that describes the proper use of an AED. The principal or superintendent shall also ensure that similar information is posted next to every AED. The principal or superintendent shall, at least annually, notify school employees as to the location of all AED units on the campus.*

(c) Any person or entity that supplies an AED shall do all of the following:

(1) Notify an agent of the local EMS agency of the existence, location, and type of AED acquired.

(2) Provide to the acquirer of the AED all information governing the use, installation, operation, training, and maintenance of the AED.

- 1 (d) A violation of this provision is not subject to penalties  
2 pursuant to Section 1798.206.
- 3 (e) The protections specified in this section do not apply in the  
4 case of personal injury or wrongful death that results from the  
5 gross negligence or willful or wanton misconduct of the person  
6 who renders emergency care or treatment by the use of an AED.
- 7 (f) Nothing in this section or Section 1714.21 may be  
8 construed to require a building owner or a building manager to  
9 acquire and have installed an AED in any building.
- 10 (g) This section shall remain in effect only until January 1,  
11 2008, and as of that date is repealed, unless a later enacted  
12 statute, that is enacted before January 1, 2008, deletes or extends  
13 that date.